

OMP No. 79 of 2017 in
CS No. 46 of 1988

15.05.2017

Present: Mr. Vivek Sharma, Advocate, for the applicant/defendant.

Ms. Poonam Gehlot, Advocate, for the non-applicant/plaintiff.

OMP No. 79 of 2017

The present application is maintained by the applicant/ Land Acquisition Officer, H.P. State Electricity Board Limited, Himfed Building, BCS, Shimla 171009, under Order 13, Rule 9, read with Section 151 of the Code of Civil Procedure, for return of original record of Land Acquisition award No. 16/197, dated 12.08.1954, tendered in evidence in Civil Suit No. 46 of 1988. As per the applicant, during the pendency of Civil Suit No. 46 of 1988, original files of land acquisition case No. 34/1984 and 16/197 were tendered in evidence to the above said case in original. In this regard, OMP No. 253/2014 was preferred by the applicant and this Court vide order dated 30.06.2014, allowed the application and in compliance to this order, the Registry of this Court has sent records to the applicant vide letter dated 15.07.2014 (Annexure A-1). However, the original file of award No. 16/197, dated 12.08.1954, was not sent to the applicant and only the documents filed with the original award file were sent. So, the present application may be allowed and remaining original record of land acquisition case No. 16/197, i.e. volume-III, be supplied to the applicant. Learned counsel for the non-applicant/plaintiff has no objection if the same be returned to

the applicant. The application is duly supported with an affidavit. No reply to the application has been filed.

Heard. Let the record be returned to the concerned quarter after retaining certified copies of the exhibited documents and attested copies of rest of the relevant record.

Registrar (Judicial) to take follow up action, in terms of sub-rule (13) of Rule 3 of Chapter-II of the High Court of Himachal Pradesh Original Side Rules, 1997.

The application stands disposed of.

(Chander Bhusan Barowalia)
Judge

15th May, 2017
(raman)

